

Remarks:

By the present amendment, Claims 1, 5, 9 and 10 are amended. Claims 11-28 are withdrawn. Claim 1 has been amended to recite the polypeptide SEQ ID NO:3218 encoded by the elected nucleotide sequence, SEQ ID NO:1298. Claims 5 and 10 have been amended to recite the nucleotide SEQ ID NO:1298 corresponding to the elected polypeptide. Claim 9 has been amended to recite a probe corresponding to the elected nucleotide SEQ ID NO:1298. No prohibited new matter has been introduced by way of the above amendments. Applicants reserve the right to file a continuation or divisional application on any subject matter withdrawn or cancelled by way of this Amendment. Applicants respectfully request consideration of the subject application as amended herein.

Conclusion

A general authorization is granted to hereby charge any fees or deficiencies to Deposit Account No. 501040. In view of the amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone call would expedite the prosecution of this case, the Examiner is invited to call the undersigned at (781) 398-2548.

Respectfully submitted,

OSCIENT PHARMACEUTICALS CORPORATION

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